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UNITED STATES MAGISTRATE COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
MARIE SELENA SILVA,)
)
Defendant.)

⁴⁻
No. ~~CR~~ 11-71409 MAG

[~~PROPOSED~~] ORDER AND
STIPULATION FOR CONTINUANCE
FROM JANUARY 11, 2012 TO MARCH
7, 2012 AND EXCLUDING TIME FROM
THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A)) AND WAIVING TIME
LIMITS UNDER RULE 5.1

The parties appeared before Magistrate Judge Beeler on December 21, 2011 and set a preliminary hearing date of January 11, 2012. The parties now believe it is in their best interests to postpone the preliminary hearing date to March 7, 2012. With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of March 7, 2012 at 9:30 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from December 21, 2011 to March 7, 2012. The parties agree, and the Court finds and holds, as follows:

1. The defendant has been released on a bond.

1 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §
2 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into
3 account the exercise of due diligence.

4 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for
5 preliminary hearing.

6 4. Counsel for the defense believes that postponing the preliminary hearing is in her
7 client's best interest, and that it is not in his client's interest for the United States to indict the
8 case during the normal timeline established in Rule 5.1.

9 5. The Court finds that, taking into the account the public interest in the prompt
10 disposition of criminal cases, these grounds are good cause for extending the time limits for a
11 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
12 the Court finds that the ends of justice served by excluding the period from December 21, 2011
13 to March 7, 2012, outweigh the best interest of the public and the defendant in a speedy trial. 18
14 U.S.C. § 3161(h)(8)(A).

15 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
16 hearing date before the duty magistrate judge on March 7, 2012 at 9:30 a.m., and (2) orders that
17 the period from December 21, 2011 to March 7, 2012, be excluded from the time period for
18 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act

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1 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

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3 IT IS SO STIPULATED:

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5 DATED: January 9, 2012

/s/

JOYCE LEAVITT
Attorney for Defendant

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7
8 DATED: January 9, 2012

/s/

RANDY S. LUSKEY
Assistant United States Attorney

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11 IT IS SO ORDERED.

12 DATED: 1/10/2012



HON. DONNA M. RYU
United States Magistrate Judge